

REMARKS

The Examiner's Action mailed on June 12, 2003, has been received and its contents carefully considered. It is noted that this application went abandoned on September 13, 2003. Since this abandonment was unintentional, additionally attached to this Amendment is a Petition for Revival of an Application for Patent Abandoned Unintentionally. Moreover, also attached to this Amendment is a Request for Continued Examination, to ensure entry of the changes to the claims discussed below. It is not believed that a Petition for Extension of Time is needed. However, should such a petition be required, the Examiner is authorized to treat this paper as such petition, and to charge any necessary fees to the Deposit Account given below.

In this Amendment, Applicant has amended claim 1 to include the subject matter of claims 3 and 4, canceled claims 3 and 4, and added claims 7 and 8. Claims 1, 7 and 8 are the independent claims, and claims 1 and 5-8 are pending in the application. For at least the following reasons, it is submitted that this application is in condition for allowance.

The Examiner has rejected original claim 4 as being obvious over *Whitchurch et al.* (USP 3,830,468) in view *Marshall* (USP 4,934,706), and further in view of *Naka et al.* (USP 4,996,804) and *Holzbach* (USP 3,037,140). Because the subject matter of claim 4 has been added to independent claim 1, Applicant will treat this rejection as pertaining to independent claim 1, and the claims dependent therefrom. Moreover, the allowable subject matter discussed below

within independent claim 1 is likewise recited within new claims 7 and 8. It is submitted that these claims are all *prima facie* patentably distinguishable over the cited references for at least the following reasons.

Independent claim 1 is directed to a retaining and fixing structure of a raised floor holder. This claim recites that the structure includes a pipe cover which has an assembly hole that is a screw hole. A rod body, which is a screw rod, is screwable within the assembly hole. Moreover, the screw rod includes a screw nut screwed thereto for fixedly locking the screw rod. This claimed invention has the advantages discussed on page 5, for example, of the present application, and is not disclosed or suggested by any of the cited references.

The Examiner's Action acknowledges that the combination of *Whitchurch et al.*, *Marshall* and *Naka et al.* do not show a screw nut on a rod body, as now recited by claim 1. The Examiner's Action thus relies on the teachings of *Holzbach* to overcome this deficiency. *Holzbach* discloses a jack post, which includes a threaded shaft 5 positioned within a sleeve 7, and which is threadably engaged within a nut 11. Nut 11 rests on a washer 13, which is disposed on the end of sleeve 7. The shaft 5 is vertically positioned relative to sleeve 7 by threading the nut 11 upwardly and downwardly on the shaft 5. However, and in contrast to the present invention, this nut 11 does not fixedly lock the rod body (i.e., shaft 5), as recited by claim 1. That is, the nut 11 is only utilized for raising and lowering the shaft 5. In fact, it appears that the shaft 5 can be removed from the sleeve 7 simply by lifting the shaft up in a vertical direction. This will cause

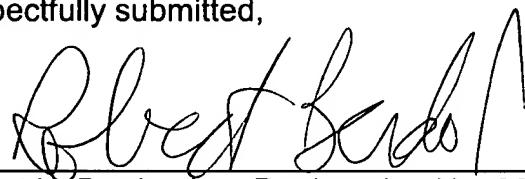
both the shaft 5 and the nut 11, which is attached thereto, to move upwardly. Thus, this reference does not overcome the above-noted deficiencies of *Whitchurch et al., Marshall and Naka et al.* As such, it is submitted that the Examiner's Action has failed to establish a *prima facie* case of obviousness against dependent claim 4, the subject matter of which is now incorporated into claim 1. It is thus requested that the rejections be withdrawn and that these claims all be allowed.

It is submitted that this application is in condition for allowance. Such action and the passing of this case to issue are requested.

Should the Examiner feel that a conference would help to expedite the prosecution of the application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such an interview.

Should the remittance be accidentally missing or insufficient, or should any additional fee be required, the Commissioner is hereby authorized to charge the fee to our Deposit Account No. 18-0002, and advise us accordingly.

Respectfully submitted,



Robert H. Berdo, Jr. – Registration No. 38,075
RABIN & BERDO, PC – Customer No. 23995
Facsimile: 202-408-0924; 202-408-5297
Telephone: 202-371-8976

February 6, 2006

Date

RHB/vm

AMENDMENT
Filed February 6, 2006

09/917,628